

March 12, 1976

3.6 million dollars paid out in the State of Nebraska in malpractice claims in one year. I wonder totally if anybody would have that statistic? How much has been paid out in malpractice claims? We are talking about an act of opting in and opting out. What is really bringing this to a head, which why this is really becoming crystallized right now, is that were talking about opting in and out of the act. Certainly when you have to make this decision as to whether you are going to opt in or out, suddenly it becomes very apparent as to how restrictive this act is. Suddenly it becomes very apparent what you are giving up by passing this act. It even becomes more apparent when you have one more option as to whether you are going to have your medical treatment taken care of in the State of Nebraska or whether you are going to go across the state line and have it taken care of, either within or without the confines of this particular act. I think that maybe we have made a step in the right direction or Senator Schmit has in putting this at a \$500,000 limitation. Maybe this is a proper step. When we start talking about damages, when we start talking about....

PRESIDENT: Two minutes Senator.

SENATOR DWORAK: what is an eligible damage, when we talk about collateral sources and all of the other provisions within this act, and we haven't even gotten into the insurance provision yet which is really the meat of it, and we look at the ramifications and the seriousness and the complications and the complexity of this after we have debated this and another thing, in all sincerity, I'm tired of debating it too. I know that Senator Schmit has sat up there for a long time and debated it. But, it is a provision that absolutely has to be studied. We have to understand the ramifications of what we are doing in this bill. We have to understand it thoroughly. We have to understand it completely. You become frustrated, and we just recently heard not too long ago that we had an exchange on the floor that got kind of heated, and that is understandable. But, the worst thing, the worst thing that this legislature could do is to try and stampede or try and rush, or try to pass something in frustration. There are not simple solutions for complicated problems. I would like to be able to find a simple solution for any of my...for any problem, but some solutions are just more complex than others, and this is that type of situation.

PRESIDENT: Time is up Senator. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature. When we look at Section one of this bill, it says that the legislature finds and declares that it has been the public interest...

PRESIDENT: State your point Senator Schmit.

SENATOR SCHMIT: I believe that the issue here is the proposed amendment to the committee amendment as described by the Clerk, and I believe that the discussion should be confined to that and not to Section one of the bill.